

INFORMATION LETTER

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NATIONAL CANNERS ASSOCIATION

For Members
Only

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WHAT WAS DONE IN CONGRESS

Patman and Healey-Walsh Bills Passed—Copeland Bill Killed

Congress adjourned at midnight on the twentieth after a tumultuous legislative week that saw more action on important bills than did all the rest of the session. To canners the principal bills finally enacted were the Patman, Healey-Walsh, and tax measures, and the chief failure was that of the Copeland Bill. There follows a summary of the final disposition of all the bills that have been mentioned in the INFORMATION LETTER during the second session of the 74th Congress.

Failure of the Copeland Bill

The Senate passed the Copeland Bill during the first session of the 74th Congress and sent it to the House where on May 31, 1935, it was referred to the Committee on Interstate and Foreign Commerce. This Committee turned it over to a special subcommittee where it was held until nearly a year later when a rather drastic revision was undertaken. On May 22, 1936, the revised bill was reported to the House containing the grade-labeling amendment so directly affecting the canning industry. The bill then went to the Rules Committee with the usual request for a hearing on the granting of a rule to bring it before the House for special consideration. The hearing was never held and it was assumed by members of both committees and by all interested outsiders that the bill was dead. It was suddenly called up and passed, however, under a suspension of the rules on the day before adjournment. It requires a two-thirds vote to pass a bill under a suspension of the rules, and on this occasion 151 members voted for and 27 against the bill.

Conferees were immediately appointed in both Houses and met early in the morning of the day of adjournment. At lunch time it was announced that there was complete disagreement on the control of advertising, the House conferees insisting on putting it in the hands of the Federal Trade Commission, whereas the Senate conferees insisted that it should rest with the Food and Drug Administration, at least when the advertising had any bearing on health. All other points in dispute had been adjusted, including the grade-labeling amendment, which had been eliminated, and the amendment providing for consideration of the differing characteristics of the several varieties of fruits and vegetables, which had been retained.

Late in the afternoon the conferees gave up the attempt to reach an agreement on advertising, and Senator Copeland then went to the floor of the Senate and obtained approval of an amendment to the House amendment that was in reality a substitute bill containing all the amendments agreed upon by the conferees plus the draft of the advertising section on which the Senate conferees had been insisting. As thus amended the bill had to be returned to the House for ap-

proval, and there, about an hour before midnight, after a fiery debate, the Senate substitute was voted down 190 to 70. The bill was then automatically returned to the Senate for further consideration, but adjournment came before any steps were taken. The debate in the House was confined to the section on advertising.

Government-Contracts Bill Approved

The Healey-Walsh Bill, having passed both Houses, is now in the President's hands for signature. The text of the new measure is printed elsewhere in this number of the INFORMATION LETTER. The law is not so drastic as the original bill.

The Walsh Bill was passed by the Senate in August, 1935, and then tabled in the House Judiciary Committee. When Congress reconvened for the second session, the bill was taken up again and extensively revised, after hearings, by the Healey subcommittee. It was introduced in this form as a new House bill. The full committee again tabled the bill, however, and it was generally assumed that that was the end of the matter until the Guffey Act decision by the Supreme Court influenced labor leaders to bring extraordinary pressure for reconsideration, in which they were joined by Administration officials. Subsequently the Judiciary Committee reported out the Walsh Bill on June 5th, amended by substituting the Healey Bill. The amended bill was passed by the House with several further amendments on June 19th and

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CANNING CROP REPORTS

Government Issues Figures Based on Conditions on June 15th

Reports on the condition and progress of canning crops as of June 15th were issued by the Bureau of Agricultural Economics on June 24th. Following are summaries from these reports.

Green Peas

June 15th indications point to a production of 229,120 tons of green peas for canning in 1936 compared with 265,090 tons produced in 1935 and an average production for the preceding 5 years (1930-1934) of 162,230 tons. Condition of the crop on June 15 was reported at 76.2 per cent of normal. The 7 year average (1926-1932) for that date is 79.2 per cent. Condition last year on that date was 89.5 per cent. The growth of green peas in many important producing areas has been hindered by lack of rainfall. The final outcome of the crop will depend to a large extent upon the growing conditions affecting the late peas during the last two weeks in June and early July. Under average growing conditions, however, the present forecast of 229,120 tons would be expected to materialize. Judging from the relationship of production and pack during past seasons, such a production would be equivalent to a pack of

about 20,700,000 cases of 24 No. 2 cans. In 1935 the pack totalled 24,698,000 cases.

The following table shows, by States, the acreage and indicated production (shelled) in 1936 compared with 1935:

STATE	Average		Production	
	1935 Acres	1936 Acres	1935 Tons	1936 (Ind.) Tons
Maine	2,450	2,250	2,750	2,250
New York	34,200	39,600	23,600	22,770
Pennsylvania	4,850	5,000	4,340	2,750
Ohio	5,000	4,100	4,250	2,150
Indiana	7,950	7,360	8,580	5,700
Illinois	15,000	18,000	10,350	11,700
Michigan	13,500	15,300	8,840	8,420
Wisconsin	123,000	120,000	75,640	72,000
Minnesota	24,000	22,800	26,640	18,810
Delaware	3,400	2,800	4,420	1,470
Maryland	18,500	16,300	21,740	9,780
Virginia	5,200	5,700	7,540	3,140
Montana	2,400	2,520	2,950	3,020
Colorado	3,820	4,050	3,630	3,040
Utah	13,600	12,900	21,810	14,510
Washington	15,000	19,100	15,000	17,670
Oregon	8,180	15,500	7,000	16,660
Other States *	14,820	15,650	16,010	13,280
Total	314,870	328,930	265,090	229,120

* "Other States" include California, Idaho, Iowa, Kansas, Nebraska, New Jersey, Oklahoma, Tennessee, Texas, and Wyoming.

Tomatoes

Condition of the crop on June 15 averaged 80.3 per cent of normal. This compared with 84.9 per cent a year ago and 82.9 per cent for the 7-year period (1926-1932) on that date. Transplanting to the fields is still in progress in most all important States where tomatoes are grown for commercial manufacture. Dry conditions which were so prevalent in many of the important States during May were relieved by showers during the first two weeks of June.

Sweet Corn

The condition of the crop on June 15 is reported 86.2 per cent of normal compared with 85.1 per cent on June 15, 1935 and 81.9 per cent for the 7-year period (1926-1932) on that date. Growing conditions in the important States where corn is produced for canning have been improved by scattered showers. A few regions report some irregularity in stand on account of poor germination and lack of moisture during planting.

Lima Beans

Preparation of the ground and the planting operations in the important growing States of Delaware, Maryland, New Jersey and Virginia were hindered until last week by lack of rain. Surface soil was hard and difficult to cultivate. Germination of seed which was planted early is poor on account of inadequate soil moisture. Growing conditions in Indiana, Michigan and Wisconsin have been improved by rains. The seed is germinating fairly well and plants are breaking through the ground.

Beets

Planting is in progress in most of the important States. Rains are needed in New York and New Jersey. Soil moisture in Indiana, Michigan and Wisconsin has been replenished

by recent rains and the crop in those States is growing under satisfactory conditions.

Kraut Cabbage

Supplies of plants in seed beds are adequate. Transplanting to the fields is making slow progress, especially in New York where a prolonged period of dry weather is producing unfavorable soil conditions. The condition in Wisconsin is more favorable.

Cucumbers for Pickles

Planting is in progress. The season is nearly two weeks late in the important States. Rains in Indiana, Michigan, Ohio and Wisconsin have been beneficial but more soil moisture is needed in other important areas. Until recently the dry growing conditions were especially serious in Virginia, Maryland, Mississippi and North Carolina.

Snap Beans

The preliminary estimate of the 1936 acreage of snap beans for canning is 4.6 per cent larger than the acreage planted in 1935. A total planting of 54,120 acres is indicated for 1936. This is the fifth consecutive year to show an increase in the acreage planted to this crop. June 15th condition of the crop averaged 75.5 per cent of normal compared with 82.7 per cent for 1935. The seven year average (1926-1932) for that date is 80.7 per cent. Insufficient rainfall in many important States on the Atlantic Coast and in the South Central States (Tennessee, Mississippi, Arkansas and Louisiana) has resulted in unfavorable growing conditions. Conditions were especially serious in the latter region. Conditions are near normal in the Far Western States (Colorado, Utah, Washington, Oregon and California) and recent rains in the North Central States (Indiana, Michigan, and Wisconsin) have improved growing conditions in that region.

The following table shows, by States, estimates of planted acreage in 1936 compared with similar data for previous years.

STATE	1933 Acres	1934 Acres	1935 Acres	1936 (Est.) Acres
Maine	590	890	1,050	950
New York	6,400	7,100	7,740	7,900
Pennsylvania	1,800	1,900	1,800	2,000
Indiana	3,800	3,500	3,500	2,500
Michigan	3,900	4,000	5,000	5,700
Wisconsin	3,800	5,700	6,500	6,200
Delaware	900	1,220	1,000	900
Maryland	8,300	10,500	10,000	10,000
South Carolina	300	200	350	500
Tennessee	1,550	1,240	1,200	1,600
Mississippi	1,600	1,400	1,540	1,600
Arkansas	2,700	1,250	1,800	2,800
Louisiana	460	540	580	700
Colorado	890	1,100	1,180	900
Utah	400	480	600	700
Washington	200	400	850	770
Oregon	400	900	1,160	1,300
California	330	430	540	640
Other States *	4,570	5,110	5,340	6,460
Total	42,890	47,860	51,730	54,120

* "Other States" include Alabama, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Kentucky, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, North Carolina, Ohio, Oklahoma, Texas, Vermont, Virginia, West Virginia, and Wyoming.

According to estimates of the Bureau of Agricultural Economics, the percentage of the two principal varieties of snap beans for canning have been as follows for the last five years:

	Green Per cent	Wax Per cent
1931.....	83.2	16.8
1932.....	83.7	16.3
1933.....	86.6	13.4
1934.....	88.8	11.2
1935.....	81.7	18.3

PEA APHID CONTROL

Various Methods Being Tried Extensively This Year by Cannery

The development of aphid infestations in several important canning regions is affording opportunity for trying out a number of control methods. Federal and state entomologists, in many cases with active cooperation of growers and cannery, are carrying out extensive tests and comparing the effectiveness of different methods of control under varying conditions of infestation and of vine growth. At the same time cannery on their own initiative are making more extensive use of methods made available by previous experimental work and by past experience.

Derris or cube in spray form and nicotine dust are both being used extensively.

While the Federal Bureau of Entomology has stated several times that experimental data are insufficient to justify definite recommendation of derris for aphid control, many cannery are using this material. Where the suggestions in Bureau of Entomology circular E-375 (see INFORMATION LETTER of April 4, 1936) are being followed, a satisfactory degree of control has been secured in many cases. Derris and cube are slower in effecting a kill than properly applied nicotine, and some cannery have been disappointed in attempting to determine per cent of kill immediately after application. Three or four days seem to be required for the maximum effect of derris to develop, although it is stated that multiplication of aphids is checked promptly by thorough application.

Where the number of gallons per acre has been insufficient for a thorough coverage or where low pressure and poor nozzle adjustment has resulted in partial instead of complete coverage of the pea vines, results with derris have, of course, been less satisfactory.

Cannery using nicotine dust have generally profited by last season's experience and understand better than formerly the necessity for high temperatures and an adequate apron or trailer in order to obtain satisfactory results with dust. The Bureau of Entomology circular E-374, reprinted in the INFORMATION LETTER of April 11, 1936, gives directions for effective use of nicotine dust and indicates the limitations of this method of treatment.

Whether to use spray or dust seems to depend largely on local conditions. In some sections the problem of water supply, weight of equipment and adequate service of sprayers by supplementary water tanks causes growers and cannery to prefer dusting. In other sections the inconvenience of the hundred-foot trailer in small fields, the temperature and wind limitations surrounding effective operation of nicotine dusting equipment, result in a preference for spray treatment.

There is much interest in a new method of applying nicotine as a vapor. In the experimental method now in process of development, demonstrations of which are being carried on in several sections, a nicotine vapor from a highly concentrated product is discharged under a canvas trailer of the type used to confine dusts. The nicotine preparation is vaporized by heat from the exhaust. The supply of the material and the dosage are regulated by a small pump and a special thermometer is installed to provide readings on the degree of heat at the exhaust. While the vaporizer is still experimental and information on comparative cost of operation is lacking, the method seems promising. If further results confirm this season's experimental tests of efficiency the new method may prove of great practical value.

There are two or three additional types and methods of control that are still in the experimental stage, but each seem to hold promise of considerable usefulness under certain conditions of infestation and vine development.

While it is obviously impossible to forecast, the results of this season's greatly increased activity in testing aphid control methods may result in making available more than one practical method of application and more than one type of material so that the material and method may be selected that is most appropriate for the problems of a particular locality and the individual canner's production set-up.

It is clearly apparent from the field observations made thus far that half-hearted attempts will not control a serious aphid infestation, regardless of the method used. Adequate dosage, proper equipment, thorough coverage and the use of either spray or dust within the inherent limitations of either method are essential to combat the aphid successfully.

Employers in Massachusetts Required to File Statements

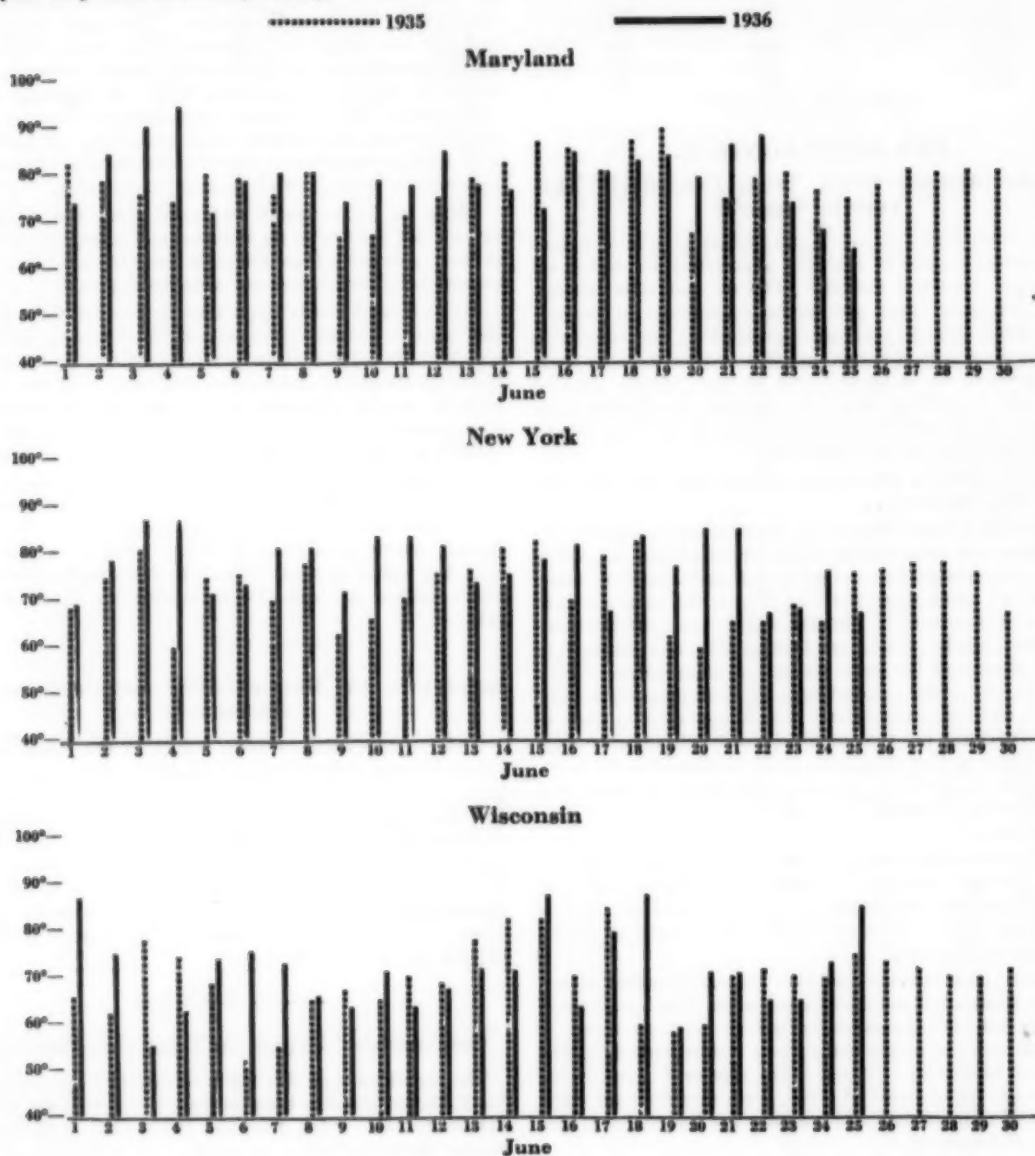
Under a regulation recently issued by the Massachusetts Unemployment Compensation Commission employers in that State are required to file initial statements on or before June 30, 1936. All employers are required to file the statements whether subject to the Act or not except those who do not employ one or more persons in employment subject to the Act, or who do not employ eight or more persons in exempted employments. The statements are to be made on official forms released by the Commission. No reports or contributions are due at this time.

Commissions' Report on Tuna Fish Published

The report on tuna fish made to the U. S. Senate by the Tariff Commission has been published by the Commission as Report No. 109. It is a document of 106 pages with chapters devoted to fresh tuna, frozen tuna, canned tuna, and tuna meal and oil. The report is summarized in an introductory chapter of twelve pages, and there are three appendixes dealing respectively with the California, Japanese, and Mexican tuna fisheries. With reference to canned tuna, Part III discusses domestic production and its use, foreign production, foreign trade, prices, consumption in the United States, and cost of production. Copies of the report may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D. C., for ten cents each.

TEMPERATURES IN PEA CANNING DISTRICTS

The following charts show the effective growing temperatures for peas in Maryland, New York, and Wisconsin for June, 1935, and to date for June, 1936. They are based on reports from selected stations of the U. S. Weather Bureau in the three states. The "effective temperature" is the peak temperature adjusted to allow for the relation between peak temperature and hourly readings.



Retailer Responsibility in Food Sales

The Association has reprinted in pamphlet form an article on "Retail Responsibility and Judicial Law Making," by John Barker Waite, professor of law in the University of Michigan, which originally appeared in the Michigan Law

Review. It is a comprehensive and valuable contribution to the subject of retailer responsibility in the sale of food products in sealed containers. Members may obtain it by addressing the Washington office of the Association.

WHAT WAS DONE IN CONGRESS

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the Senate agreed to all of the House amendments without discussion within two hours of adjournment on the 20th.

Patman Bill Passed

The much-discussed price-discrimination bill has been approved by the President and is now Public Law No. 692. Copies of the law have been sent to members and an analysis of the law by Association's counsel is being sent to canners. As passed it is identical with the bill as printed in the LETTER for June 13th.

The Patman Bill was reported by the House Judiciary Committee March 31, 1936, and passed by the House May 28th. In the Senate it was amended by substituting the Robinson Bill, which had passed the Senate April 30th. In conference a compromise was arrived at that resembled most nearly the Patman Bill but contained some of the features of the Robinson Bill, including the Borah-Van Nuys amendment. The President approved the Act June 19th.

Tax Bill

The tax bill was passed June 20th, the day of adjournment, and so far as the corporation levies are concerned is in the nature of a compromise between the House and Senate bills. The various provisions of the new Act have been so extensively covered in the daily and trade press, that no general analysis will be attempted in the INFORMATION LETTER.

The Act does not contain the Senate amendment that would have enabled canners who exported products containing tax-paid sugar to obtain refunds on such products exported up to September 1, 1936, instead of to January 6, 1936.

There is no tax on sardine oil produced by American fisheries outside the three-mile limit. The conferees discarded a Senate amendment introduced by Senator McAdoo that would have excepted such oil from Paragraph 1730 of the Tariff Act of 1930, which puts on the free list all products of American fisheries that have not been landed in a foreign country. The tax of 3 cents a pound on imported fish oil in Section 701 of the new Act was also contained in the Act of 1932, and has been construed by the Treasury Department as not applicable to sardine oil produced by American fisheries outside the three-mile limit.

Fate of Other Bills

WHEELER-RAYBURN.—The bill (S. 3744) to extend the scope of the Federal Trade Commission by making unlawful unfair acts and practices as well as unfair competition, was never reported out by House Interstate and Foreign Commerce Committee. It passed the Senate May 4th.

ANTI-BASING POINT.—The Wheeler Bill to abolish the basing-point pricing system (S. 4055) was not reported out by the Senate Interstate Commerce Committee. The inclusion of a similar provision in the Patman Bill and its subsequent forced removal was taken as an indication that such legislation could not be passed in this Congress.

LONG AND SHORT HAUL.—The bill to amend the Interstate Commerce Act to permit railways under certain circumstances to charge lower rates for long hauls than for shorter ones (H. R. 3263) died in the Senate Interstate Commerce Committee after passing the House by a large majority.

TYDINGS FAIR TRADE.—The House Judiciary Committee

failed to act on the Senate bill (S. 3822) providing that minimum price agreements were not deemed illegal if legal within the states where sales were made. The Senate passed the bill on June 1st.

WATER POLLUTION.—All water pollution bills failed of passage, including the Barkley Bill (S. 4627) and the Loneragan Bill (S. 3958).

EXTENSION OF AGRICULTURAL INVESTIGATION.—The Gearhart Resolution (H. J. Res. 444) was passed by both Houses and is now Public Resolution No. 112. It is similar to the Johnson Resolution (S. J. Res. 268).

PACKERS AND STOCKYARDS.—The bill to amend the Packers and Stockyards Act (S. 1424) was not acted upon by the House Agricultural Committee.

OFF-SHORE SARDINE PROCESSING.—No action was taken on the various bills to control the processing of sardines off the West Coast. (See Tax Bill, above.)

30-HOUR WEEK.—The Black and Connery Bills (S. 87 and H. R. 7198) to establish a working week of five 6-hour days never came to a vote in either House.

TEXTILE N.R.A.—The Ellenbogen Bill (H. R. 12285) did not come to a vote in the House.

O'MAHONEY.—The bill (S. 3363) to license corporations and to prescribe labor conditions in such licenses did not get out of committee.

FISHERIES MARKETING SERVICE.—Congress passed the bill (H. R. 8055) to provide for economic studies of the fishery industry, market news service, and orderly marketing of fishery products.

COMMITTEE INVESTIGATION OF FISHERIES.—House Resolution 500 was still in the Rules Committee when adjournment came. It would have authorized the House Merchant Marine and Fisheries Committee to make a study of all phases of the fishery industry.

SUGAR QUOTAS.—The Jones-O'Mahoney Resolution (S. J. Res. 278) to continue the sugar quotas was finally approved and is now Public Res. No. 109. It was passed without the provisions for a processing tax and benefit payments to growers.

HEALEY-WALSH LAW

Text of Measure, Effective in Ninety Days, Relating to Government Contracts

Following is the complete text of the Healey-Walsh Bill as it was finally passed. Printed copies of the law will be available later from the Government Printing Office.

In what manner the canning industry will be affected by the law will depend upon the final interpretation of section 9, and the Association will keep the industry informed, through the INFORMATION LETTER, as to interpretations or regulations that may be formulated.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in any contract made and entered into by any executive department, independent establishment, or other agency or instrumentality of the United States, or by the District of Columbia, or by any corporation all the stock of which is beneficially owned by the United States (all of the foregoing being hereinafter designated as agencies of the United States), for the manufacture or furnishing of materials, supplies, articles,

and equipment in any amount exceeding \$10,000, there shall be included the following representations and stipulations:

(a) That the contractor is the manufacturer of or a regular dealer in the materials, supplies, articles, or equipment to be manufactured or used in the performance of the contract;

(b) That all persons employed by the contractor in the manufacture or furnishing of the materials, supplies, articles, or equipment used in the performance of the contract will be paid, without subsequent deduction or rebate on any account, not less than the minimum wages as determined by the Secretary of Labor to be the prevailing minimum wages for persons employed on similar work or in the particular or similar industries or groups of industries currently operating in the locality in which the materials, supplies, articles, or equipment are to be manufactured or furnished under said contract;

(c) That no person employed by the contractor in the manufacture or furnishing of the materials, supplies, articles, or equipment used in the performance of the contract shall be permitted to work in excess of 8 hours in any one day or in excess of 40 hours in any one week;

(d) That no male person under 16 years of age and no female person under 18 years of age and no convict labor will be employed by the contractor in the manufacture or production or furnishing of any of the materials, supplies, articles, or equipment included in such contract; and

(e) That no part of such contract will be performed nor will any of the materials, supplies, articles, or equipment to be manufactured or furnished under said contract be manufactured or fabricated in any plants, factories, buildings, or surroundings or under working conditions which are unsanitary or hazardous or dangerous to the health and safety of employees engaged in the performance of said contract. Compliance with the safety, sanitary, and factory inspection laws of the State in which the work or part thereof is to be performed shall be prima-facie evidence of compliance with this subsection.

SEC. 2. That any breach or violation of any of the representations and stipulations in any contract for the purposes set forth in section 1 hereof shall render the party responsible therefor liable to the United States of America for liquidated damages, in addition to damages for any other breach of such contract, the sum of \$10 per day for each male person under 16 years of age or each female person under 18 years of age, or each convict laborer knowingly employed in the performance of such contract, and a sum equal to the amount of any deductions, rebates, refunds, or underpayment of wages due to any employee engaged in the performance of such contract; and, in addition, the agency of the United States entering into such contract shall have the right to cancel same and to make open-market purchases or enter into other contracts for the completion of the original contract, charging any additional cost to the original contractor. Any sums of money due to the United States of America by reason of any violation of any of the representations and stipulations of said contract set forth in section 1 hereof may be withheld from any amounts due on any such contracts or may be recovered in suits brought in the name of the United States of America by the Attorney General thereof. All sums withheld or recovered as deductions, rebates, refunds, or underpayments of wages shall be held in a special deposit account and shall be paid, on order of the Secretary of Labor, directly to the employees who have been paid less than minimum rates of pay as set forth in such contracts and on whose account such sums were withheld or recovered: *Provided*, That no claims by employees for such payments shall be entertained unless made within 1 year from the date of actual notice to the contractor of the withholding or recovery of such sums by the United States of America.

SEC. 3. The Comptroller General is authorized and directed to distribute a list to all agencies of the United States containing the names of persons or firms found by the Secretary of Labor to have breached any of the agreements or representations required by this act. Unless the Secretary of Labor otherwise recommends, no contracts shall be awarded to such persons or firms or to any firm, corporation, partnership, or association in which such persons or firms have a controlling interest until 3 years have elapsed from the date the Secretary of Labor determines such breach to have occurred.

SEC. 4. The Secretary of Labor is hereby authorized and directed to administer the provisions of this act and to utilize such Federal officers and employees and, with the consent of the State, such State and local officers and employees as he may find necessary to assist in the administration of this act and to prescribe rules and regulations with respect thereto. The Secretary shall appoint, without regard to the provisions of the civil-service laws but subject to the Classification Act of 1923, an administrative officer, and such attorneys and experts, and shall appoint such other employees with regard to existing laws applicable to the employment and compensation of officers and employees of the United States, as he may from time to time find necessary for the administration of this act. The Secretary of Labor or his authorized representatives shall have power to make investigations and findings as herein provided, and prosecute any inquiry necessary to his functions in any part of the United States. The Secretary of Labor shall have authority from time to time to make, amend, and rescind such rules and regulations as may be necessary to carry out the provisions of this act.

SEC. 5. Upon his own motion or on application of any person affected by any ruling of any agency of the United States in relation to any proposal or contract involving any of the provisions of this act, and on complaint of a breach or violation of any representation or stipulation as herein provided, the Secretary of Labor, or an impartial representative designated by him, shall have the power to hold hearings and to issue orders requiring the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy, failure, or refusal of any person to obey such an order, any District Court of the United States or of any Territory or possession, or the Supreme Court of the District of Columbia, within the jurisdiction of which the inquiry is carried on, or within the jurisdiction of which said person who is guilty of contumacy, failure, or refusal is found, or resides or transacts business, upon the application by the Secretary of Labor or representative designated by him, shall have jurisdiction to issue to such person an order requiring such person to appear before him or representative designated by him, to produce evidence if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof; and shall make findings of fact after notice and hearing, which findings shall be conclusive upon all agencies of the United States, and if supported by the preponderance of the evidence, shall be conclusive in any court of the United States; and the Secretary of Labor or authorized representative shall have the power, and is hereby authorized, to make such decisions, based upon findings of fact, as are deemed to be necessary to enforce the provisions of this act.

SEC. 6. Upon a written finding by the head of the contracting agency or department that the inclusion in the proposal or contract of the representations or stipulations set forth in section 1 will seriously impair the conduct of Government business, the Secretary of Labor shall make exceptions in specific cases or otherwise when justice or public interest

will be served thereby. Upon the joint recommendation of the contracting agency and the contractor, the Secretary of Labor may modify the terms of an existing contract respecting minimum rates of pay and maximum hours of labor as he may find necessary and proper in the public interest or to prevent injustice and undue hardship. The Secretary of Labor may provide reasonable limitations and may make rules and regulations allowing reasonable variations, tolerances, and exemptions to and from any or all provisions of this act respecting minimum rates of pay and maximum hours of labor or the extent of the application of this act to contractors, as hereinbefore described. Whenever the Secretary of Labor shall permit an increase in the maximum hours of labor stipulated in the contract, he shall set a rate of pay for any overtime, which rate shall be not less than one and one-half times the basic hourly rate received by any employee affected.

SEC. 7. Whenever used in this act, the word "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

SEC. 8. The provisions of this act shall not be construed to modify or amend title III of the act entitled "An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes," approved May 3, 1933 (commonly known as the Buy American Act), nor shall the provisions of this act be construed to modify or amend the act entitled "An act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes," approved March 3, 1931 (commonly known as the Bacon-Davis Act), as amended from time to time, nor the labor provisions of title II of the National Industry Recovery Act, approved June 16, 1933, as extended, or of section 7 of the Emergency Relief Appropriation Act, approved April 8, 1935; nor shall the provisions of this act be construed to modify or amend the act entitled "An act to provide for the diversification of employment of Federal prisoners, for their training and schooling in trades and occupations, and for other purposes," approved May 27, 1930, as amended and supplemented by the act approved June 23, 1934.

SEC. 9. This act shall not apply to purchases of such materials, supplies, articles, or equipment as may usually be bought in the open market; nor shall this act apply to perishables, including dairy, livestock, and nursery products, or to agricultural or farm products processed for first sale by the original producers; nor to any contracts made by the Secretary of Agriculture for the purchase of agricultural commodities or the products thereof. Nothing in this act shall be construed to apply to carriage of freight or personnel by vessel, airplane, bus, truck, express, or railway line where published tariff rates are in effect or to common carriers subject to the Communications Act of 1934.

SEPARABILITY CLAUSE

SEC. 10. If any provision of this act, or the application thereof to any persons or circumstances, is held invalid, the remainder of the act, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

SEC. 11. This act shall apply to all contracts entered into pursuant to invitations for bids issued on or after 90 days from the effective date of this act: *Provided, however*, That the provisions requiring the inclusion of representations with respect to minimum wages shall apply only to purchases or contracts relating to such industries as have been the subject matter of a determination by the Secretary of Labor.

CROP CONDITIONS

Various state associations have reported the following conditions of canning crops in their respective districts.

OHIO.—Crops suffering from dry weather. The packing of sweet peas is now in progress with yields reported to be poor. In some cases reports indicate only 25 per cent of average.

IOWA.—The condition of sweet corn is average, with stands 75 to 80 per cent of normal. Other canning crops are in fairly good condition. Moisture is still sufficient although rains reached only central part of the territory this week. No damage in any part of our canning territory from reported grasshopper invasion.

INDIANA.—Weather continuing very dry with 1.81 inches rainfall over the entire state for one week in scattered showers. Corn suffering; tomatoes standing still.

MINNESOTA.—Lack of moisture and heat during past ten days has cut yield for Alaskas now being harvested. Sweets damaged twenty per cent to date. Corn coming slow with stands fairly good but need moisture.

WISCONSIN.—The quality of Wisconsin Alaskas thus far seems to be the best it has been for many years. The yields run from 30 to 55 cases per acre. Sweets are coming along nicely with the exception of those fields that are becoming badly infested with aphids. Considerable damage has already been done and the yield and quality of Sweets in Wisconsin will be materially reduced if the infestation continues to develop. Cool nights are holding the aphids in check somewhat and many hundreds of acres are being dusted or sprayed.

The following table gives the average temperature and total rainfall for the principal pea growing districts for each of the last two weeks, as shown by the U. S. Weather Bureau reports for selected stations in these districts:

DISTRICT	Week ended June 16, 1936		Week ended June 23, 1936	
	Temp.	Rain	Temp.	Rain
Maine	62	2.0	64	.0
Western New York	68	.3	66	.7
Tri-States	73	.5	77	.0
South Central Ohio	70	1.2	73	.2
Central Indiana	72	.1	72	.0
Central Illinois	69	.4	73	.0
Northern Illinois, Southern Wisconsin	65	.1	66	.4
Southern Minnesota	65	.0	68	.4
Northern Colorado	70	.9	76	.0
Northern Utah	73	.0	81	.0
Northwestern Washington	65	.2	64	.5
Southeastern Washington	72	.2	73	.0

Commission Issues Order to Tin Plate Companies

Fifteen tin plate manufacturing companies have been ordered by the Federal Trade Commission to cease and desist from entering into agreements not to sell or quote prices on "stock plate" to jobbers and manufacturers of tin cans and other containers. The Commission issued the complaint against the companies on March 20th, giving them until April 17th to file answers.

The findings of the Commission are that these companies made such agreements resulting in suppression of competition and a tendency toward monopoly in the interstate sale of tin plate. Announcement of the order states that

all the respondent companies in their answers admitted the material facts alleged in the Commission's amended complaint, and consented that the Commission might, without further procedure, make and enter its findings as to facts and conclusion thereon, and issue and serve upon them an order to cease and desist.

ARTIFICIAL COLOR IN BERRIES

Correspondence Indicates Use in Canned Strawberries May Be Ruled Illegal

The use of certain colors in foods is regarded as legal by the Department of Agriculture provided the consumer is not likely to be deceived thereby and the coloring matter is declared on the label. However, if the coloring matter conceals damage or inferiority, its use is illegal even though declared on the label. This question is illustrated by recent correspondence with the Food and Drug Administration quoted below.

Under date of June 11th a strawberry canner wrote to the Food and Drug Administration as follows:

"We have received a request to pack No. 10 strawberries for an ice cream manufacturer who desires them packed with artificial coloring. This is new to us and we would appreciate you advising us the wording that should be used on the label when artificial coloring is used."

Under date of June 19th the Food and Drug Administration gave the following reply over the signature of Dr. P. B. Dunbar, Assistant Chief.

"We have your letter of June 11 asking our opinion in regard to the packing of strawberries in No. 10 cans with added artificial color for an ice cream manufacturer who has stipulated the use of the added coloring.

"It is, of course, a well-known fact that in the canning process the color of strawberries is adversely affected. The added color undoubtedly will simulate the color of the original berries. Since it is not a normal ingredient its presence must, of course, be plainly stated. Whether or not the courts would hold the addition of the red coloring matter under the circumstances to constitute concealment of damage or inferiority we are not wholly prepared to say. Certainly there is such a possibility and in that event the addition of color would be illegal under any form of label. So far as we are aware, the use of added color in canned berries is unusual today. We should regret to see the general adoption of the practice."

Fruit and Vegetable Market Competition

Carlot Shipments as Reported by the Bureau of Agricultural Economics, Department of Agriculture

	Week ending			Season total to	
	June 20	June 20	June 13	June 20	June 20
VEGETABLES	1935	1936	1936	1935	1936
Beans, snap and lima	393	197	288	9,161	7,196
Tomatoes	1,238	1,590	1,805	14,403	13,065
Green peas	147	59	122	4,280	4,177
Spinach	0	0	2	5,440	7,386
Others	2,444	2,826	3,213	106,316	120,184
FRUITS					
Citrus, domestic	2,825	2,508	2,613	116,865	104,044
Imports	15	21	23	366	626
Others, domestic	1,084	1,222	1,295	3,322	4,351

Navy Seeks Canned Food Bids

The Bureau of Supplies and Accounts of the Navy Department is asking for bids on jams, mincemeat, Vienna style sausage, and catsup for delivery at various East and West Coast points. Copies of the schedules on which to submit bids may be obtained from the Bureau in Washington, D. C. The schedule numbers and dates on which bids will be opened are as follows: Jams, schedule 8179, July 28; mincemeat, schedule 8181, August 4; sausage, schedule 8182, August 18; catsup, schedule 8183, August 18.

Australia's Canned Fruit Production

According to the Australian Canned Fruits Control Board, the production of canned apricots, peaches and pears of the 1936 season's pack compares with that of the four previous seasons as follows:

	Apricots Doz. tins	Peaches Doz. tins	Pears Doz. tins
1932	364,141	1,064,073	879,912
1933	447,238	2,566,778	1,059,342
1934	458,631	1,598,313	798,090
1935	548,723	2,202,873	999,527
1936	758,870	2,067,215	1,616,773

The American trade commissioner at Sydney reports that a record tonnage of fruit, exceeding 12,000,000 cans, was handled by the Shepparton Fruit Preserving Company, one of the largest canneries in Australia, during the 1936 processing season. Consequently, the plant is to be extended at a cost of £25,000 before the next canning season.

Another Suggestion Regarding Labeling Peas

In planning a new label it is of the utmost importance to consider what consumers will understand from each feature of the label. In this connection attention is called to a letter from Dr. P. B. Dunbar, Assistant Chief of the Food and Drug Administration, in response to an inquiry as to whether the term "Garden Variety" was appropriate on canned pea labels. Dr. Dunbar said:

"It seems to us that this expression might imply to the purchaser that the peas were grown under the cultural conditions of a small garden rather than in large fields, as is common with peas for canning. We therefore feel that the term 'Garden Variety' on ordinary canned peas might be misleading."

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